

Introduced by Senator SimitianFebruary 23, 2007

An act to add Chapter 11 (commencing with Section 108930) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 899, as introduced, Simitian. Toxic substances: perfluorinated compounds.

Existing law establishes the Office of Environmental Health Hazard Assessment in the California Environmental Protection Agency. The office assesses human health risks of chemicals and performs toxicologic and scientific consultation to programs in the State Department of Health Services and in other state agencies.

This bill would prohibit, on and after June 1, 2008, a person from manufacturing, processing, or distributing in commerce a product containing perfluorinated compounds, as defined, or chemicals that degrade in the environment to perfluorinated compounds. The bill would authorize the Director of the Office of Environmental Health Hazard Assessment, with the concurrence of the Secretary for Environmental Protection, to defer the operation of this prohibition with respect to a product under certain conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 11 (commencing with Section 108930) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 11. PERFLUORINATED COMPOUNDS

108930. In order to protect the public health and the environment, the Legislature finds it is necessary for the state to develop a precautionary approach regarding the production, use, storage, or disposal of products containing perfluorinated compounds.

108931. For purposes of this chapter, the following definitions shall apply:

(a) "Director" means the Director of the Office of Environmental Health Hazard Assessment.

(b) "Perfluorinated compounds" means perfluorooctanoic acid (PFOA) or perfluorooctane sulfonate (PFOS), or PFOA- and PFOS-homologues containing more than five carbon atoms, or chemicals that degrade in the environment to PFOA or PFOS, or PFOA- and PFOS-homologues containing more than five carbon atoms. "Perfluorinated compound" includes all acids, salts, or ionic forms of the perfluorinated compounds.

108932. Except as provided in Section 108933, on and after June 1, 2008, a person shall not manufacture, process, or distribute in commerce a product containing a perfluorinated compound or a chemical that degrades in the environment to a perfluorinated compound.

108933. The director, with the concurrence of the Secretary for Environmental Protection, may defer the operation of the prohibition described in Section 108932 with respect to a specific product, if both of the following occur:

(a) The director receives a petition from the manufacturer requesting a deferral of prohibition.

(b) The director makes a written finding of one of the following:

(1) Prohibiting the sale of the product would be more detrimental to the environment than continued use of the product, that there would be no unmitigated human exposure to the product, and that no feasible alternative to the product is available.

1 (2) Prohibiting the sale of the product would cause substantial
2 economic hardship to the users of the product, that there would be
3 no unmitigated human exposure to the product, and that no feasible
4 alternative to the product is available.

5 (3) Prohibiting the use of the product would result in significant
6 risk to public health and that no feasible alternative to the product
7 is available.

8 108934. The director shall limit the use of a product granted
9 a deferral of prohibition pursuant to Section 108933 to a two-year
10 period, subject to renewal.

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